

Judge Feay of Tax Court called to advise that Public Law 90-598

(S-1246) Section 14 states that the AIR RIGHTS over Interstate 95

from G St NW and N E on the North to 3rd Street, N.W. and S W on the

West Hth St. NE and SE on the east and G St SW and SE on the south ~~the~~ is

exempt from any control by the D.C. Govt. He further beleives that we

need only negotiate with the D.C. Govt. ~~As~~ to lighting, ventitation^V safety on

such matters, with respect to the plaza over the freeway,

I assured Judge Feay we shall ^{request} ~~from~~ PBS review the act ^{and} ~~can~~ advise this

office how we should proceed to acquire the necessary Air rights. He

also advises ^{the} Dept. of Transportation is in ^{favor} ~~form~~ of granting the Air Rights

and is not interested in compensation.

9-6-72 conveyed this info to t Jack Mulligan (LB) He will research the Act and
Advise

U.S. code title 23 Section 111

Typed from Walter's
Luchaka's notes

10/11/72 G. L. Hayes

REQUEST FOR DATA OR INFORMATION

Received By: *Murdon*
 Date: *Oct 11*
 Time: *12:30*
 Requested by: *Sharp*
 User of Information:

Submit to: *Sharp*
 Due: *Oct 11*
 Date Submitted: *Oct 11/72*
 Time Submitted: *3:45*

P. WM Drannen - Chief Judge

Data and/or Information Request: *Concerning the new Tax Court Bldg. and right of way which is owned by the District of Columbia*

1) The remaining portion of land previously owned by the District of Columbia was acquired by a Declaration of Taking which was signed by the acting Commissioner *PBS, GSA* on June 22, 1972. The amount deposited with the court was \$50,000 ⁰⁰

2) Judge Fay of Tax Court called to advise that Public Law 90-598 (S-1246) Section 14 states that the Air Rights over Interstate 95 from *4th St. N.W. and NE* on the North to *3rd St. N.W. and S.W.* on the West *1/2 St. NE and S.E.* on the East and *4th St. SW and SE* on the South are exempt from any control by the D.C. Govt. He further believes that we need only negotiate with the D.C. Govt. as to lighting, ventilation, and safety on such matters, with respect to the plaza over the Freeway.

We assured Judge Fay that we will review the act and take the necessary action to acquire the air rights. Indications are the Dept of Transportation is in favor of granting the air rights and will not demand compensation.

Concurrence by: *J. L. H. PMRAP 10/11/72 47483*

for Concurrence:

UNITED STATES TAX COURT

WASHINGTON, D. C. 20044

CHAMBERS OF
WILLIAM M. DRENNEN
CHIEF JUDGE

Reply to by	P
Reply with:	
Action	For
Copy of	Information
Only to:	
Is sent to:	
September 29, 1972	Agg
PLY DUE!	10-12-72

Mr. Arthur F. Sampson
Acting Administrator
General Services Administration
Washington, D.C. 20405

PM

Dear Mr. Sampson:

The Judges of the Tax Court are glad to see the progress being made on the Tax Court building and sincerely hope that the contractor will be able to meet the time schedule for its completion. I think it is important at this time, however, to have a clear understanding as to the responsibilities for completion of the project and this letter is being directed to you for the purpose of clarifying the Tax Court's position in connection with this construction project.

The history of this project bears no repeating for I am sure you are fully familiar with the background. The funding for the project was obtained through the direct efforts of the Tax Court, although all estimates in support of the budget request were premised upon information supplied to the Court by GSA. We were naturally disturbed that the estimates furnished by GSA for the funding required fell substantially short of the lowest bid received. Consequently, it is incumbent upon the Tax Court, rather than GSA, to go back before the committees of Congress not only to ask for the additional funding but also to justify the request. That is being done at this time.

You may also recall that when, through your office, we bargained to acquire the site for our building we discovered not only that the parcel purchased from the Federal Home Loan Bank Board was insufficient in itself to accommodate our building but also that the remaining portion owned by the District of Columbia Government was encumbered by a right-of-way for which additional compensation had to be paid. Much of the leg work required by these deterrents was accomplished by a member of the Court's own staff.

The plan for the plaza to be erected across the center-leg freeway was not originated by the Tax Court but rather by the National Capital Planning Commission and the Fine Arts Commission. The plaza concept was recommended by NCPQ in their approval of the Federal Home Loan Bank Board

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building on October 12, 1967 (see your proposed letter to Mayor Washington, 9/1/72). It has been our understanding that both the NCPC and the Fine Arts Commission have required the plaza for approval of the plans for the Tax Court building. Ostensibly the details in connection with all necessary approvals in regard to this plaza had been or would be cleared sometime ago. It is now apparent that some questions still exist regarding the obtaining of air rights over the freeway and utilization of its median strip for erection of supports for the plaza. There also appears to be some uncertainty within your staff as to just who controls the granting of such air rights and whether compensation will be required.

Because of some of the problems that have arisen and the uncertainties attendant thereon, representatives of the Court have at times felt it was necessary to interject themselves into the legal matters and other details concerning the project. We will continue to hold ourselves available to offer whatever assistance to your staff that might be helpful in furtherance of the project. However, I wish to make it clear that full responsibility for this project must be with GSA and no dependence should be placed on the Tax Court for sharing this responsibility. The Court recognizes that GSA is in the business of constructing Federal buildings and the Court is not. We expect to be consulted about the furnishings and any change orders that are made but the ultimate responsibility for completion of the project with the funds available rests with GSA.

I believe it would be helpful to re-emphasize the above to the appropriate officers in your Administration and direct that this whole project be taken under review to establish that the estimates of costs are realistic and valid, that costs on necessary change orders are carefully reviewed and kept to a minimum, and that further site acquisition problems be promptly resolved so a contract can be let for Phase II of the project before prices escalate any further.

I am sure we can count on you for sympathetic understanding of these observations. If there is any misunderstanding of our position, I will appreciate it if you will contact me.

Sincerely yours,

W. M. Drennen

W. M. Drennen
Chief Judge

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